

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

As representative of

THE COMMONWEALTH OF PUERTO RICO, et al.,

Debtors

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

This filing relates to ERS.

OBJECTION TO THE THREE HUNDRED THIRTY-SEVEN OMNIBUS OBJECTION (NON-SUBSTANTIVE) OF THE
EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO
TO PENSION-RELATED CLAIMS ASSERTED AGAINST THE INCORRECT DEBTOR

TO THE HONORABLE COURT:

COME NOW Selma I. Velázquez Flores, and respectfully set forth and pray, as follows:

1. On May 23, 2018 I filed a Proof of Claim, regarding case number 17 BK 3283-LTS, Employees Retirement System as Debtor (Claim Number 28164).
2. I am an employee in the Judicial Branch.
3. On June 30, 2021, the undersigned received a copy of the document titled *Three hundred thirty-seven omnibus objection (non-substantive) of the employees retirement system of the Government of the Commonwealth of Puerto Rico to pension-related claims asserted against the incorrect debtor* (hereinafter referred to as "Three Hundred Thirty-Seventh Omnibus Objection") filed on June 18, 2021. (Docket 17081).
4. The Three Hundred Thirty-Seventh Omnibus Objection seek to reclassify the pension related proof of claim listed on a Schedule of Claims Subject to the omnibus objection, and attached as Exhibit A, because each of which identify Employee Retirement System (ERS) as obligor when they are properly asserted, if at all, against the Commonwealth.
5. The reason stated for the claims to be reclassified to the Commonwealth Title III Case, basically, is that "pursuant to Legislation, the Commonwealth assumed any obligations to makes payments to pensioners or other beneficiaries of ERS".
6. The referred Legislation was resumed in the "Background" section of the Three Hundred Thirty-Seventh Omnibus Objection and referred to the Joint Resolution for Other Allocations for Fiscal Year 2017-2018 and the Act 107-2017
7. My Proof of Claim asserted that my retirement pension is regulated by the Puerto Rico Supreme Court Opinion stated in *Brau v. ELA*, 2014 TSPR 26, a copy was attached to the proof of claim.
8. That opinion stated, among other things, that the legislative reform to the Judiciary Employee Retirement System adopted in the 2013 by the Act 162-2013 do not apply to the judges appointed before that reform.

9. Among the reason stated in that opinion justifying the non-application of the Legislation to the Judicial Branch is the constitutional republican system and the separation of powers.
10. The Act 162-2013 was approved with the intention to apply to all public employees. Even tough, the Puerto Rico Supreme Court resolved that the Act cannot apply as pretended because the Constitutional republican government system and the Separation of Powers ... prevent their application to the judges in functions before the approbation of the Act 126-2013.
11. If The Judicial Branch public employees are not covered by that Puerto Rican Supreme Court cited opinion, other governmental branches would intervene in a unconstitutional manner in the Judicial Branch jurisdiction.
12. The Legislation cited to reclassify my claim is another amendment the ERS reclassification, started by the Act 162-2013, neither of which apply to my proof of claim.

WHEREFORE it is respectfully requested that the Three Hundred Thirty-Seventh Omnibus Objection be denied in relation to the appearing Claimant as the Legislation do not apply to my claims.

CERTIFICATE OF SERVICE

I hereby certify that on this same date I send a copy my mail to the following persons:

Secretaría (Clerks Office) United States District Court, Sala 150 Edificio Federal, San Juan, Puerto Rico, 00918-1767; Counsel for the Oversight Board, Proskauer Rose LLP Eleven Times Square, New York , New York 10036-8299 Attn: Martin J. Bienenstock, Brian S. Rosen; Counsel for the Creditors Committee Paul Hastings LLP, 200 Park Avenue, New York, New York 10166, Attn: Luc A. Despins, James Bliaa, James Worthington, G Alexander Bongartz

In San Juan, Puerto Rico, this 18 day of July 2021.


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